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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,068	06/29/2001	O. James Peterson IV	3000.2	9470
29494	7590	05/18/2006		
HAMMER & HANF, PC 3125 SPRINGBANK LANE SUITE G CHARLOTTE, NC 28226			EXAMINER HARBECK, TIMOTHY M	
			ART UNIT 3628	PAPER NUMBER

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/896,068	<b>Applicant(s)</b> PETERSON IV, O. JAMES	
	<b>Examiner</b> Timothy M. Harbeck	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/19/2001</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anonymous (Anonymous. "Casting your net in a sea of vendors." The American City & County. Pittsfield: May 2000. Vol 115, Iss.6; pg S12, 2 pgs.) in view of McLoughlin (McLoughlin, Tom. Government Finance Review. Chicago: Jun 1990 Vol 6, Iss. 3; pg. 28 3 pgs)

**Re Claim 1:** Anonymous discloses a method for an entity, the entity being a governmental or business entity, to procure a product from an institution comprising the steps of:

- Posting a request for proposal for the product of the entity to a website, (Page 2, 3<sup>rd</sup> full paragraph)
- Electronically notifying the institution that the RFP has been posted (Page 2, 4<sup>th</sup> full paragraph)
- Reviewing the RFP by the institution (Page 2, 4<sup>th</sup> and 6<sup>th</sup> paragraphs; the step of bidding implies that the RFP has been reviewed)
- Electronically notifying the entity of a result of the review by the institution (page 2, 4<sup>th</sup> full paragraph)

Anonymous does not explicitly disclose wherein the product is a financial product and the institution is a financial institution. McLoughlin discloses that governments have, for some time, issued a request for proposal as a means of selecting an underwriter to finance bonds intended for public improvements (abstract). It would have been obvious to anyone of ordinary skill at the time of invention to include the teachings of McLoughlin to the disclosure of Anonymous, as a means for a government entity to solicit a specific type of product or service from a specific type of vendor. While Anonymous does not explicitly disclose the products and/or services from which each government entity might solicit a vendor, McLoughlin details that a request for a financial product from a financial institution, via a RFP, is old and well known. Utilizing the Anonymous method of online dissemination of the financial product RFP would therefore reach a greater audience and potentially lead to a better contract for the government entity.

**Re Claim 2:** Anonymous in view of McLoughlin discloses the claimed method supra and McLoughlin further discloses

- Profiling the entity by obtaining information about the entity that may be utilized by the financial institution in making the financial institution's decision to offer the financial product to the entity (See abstract; "The RFP should describe the purpose for which the bonds will be issued, the source or sources of revenues expected to be pledged to bond security, the anticipated size and term of the issue...).

- Providing a deal sheet, the deal sheet outlining the entity's need for the financial product (See abstract; "The RFP should describe the purpose for which the bonds will be issued").

While the references do not explicitly disclose the step of authorizing the posting of the RFP by an official of the entity, this step is old and well known in the art and would have been obvious to anyone of ordinary skill to prevent the fraudulent and or mistaken posting of potential contracts to the system. In requiring an authorization step by an official the systems integrity can be maintained all parties can be assured a level of security in the process.

**Re Claim 3:** Anonymous in view of McLoughlin discloses the claimed method supra and Anonymous further discloses wherein posting the RFP to the website further comprises the step of:

- Identifying at least one financial institution that will have access to the RFP posted at the website (4<sup>th</sup> and 6<sup>th</sup> full paragraphs)

Anonymous discloses that appropriate vendors are automatically notified by email or fax when a listing is made that they could potentially offer a proposal. Furthermore, Anonymous notes that these potential bidders are possibly identified by a particular business commodity code associated with the service to be provided.

**Re Claim 4:** Anonymous in view of McLoughlin discloses the claimed method but do not explicitly disclose wherein the reviewing the RFP by the financial institution further comprises the steps of:

- Retrieving the RFP from the website

- Studying the RFP; and
- Deciding whether to offer the financial product to the entity based upon the study

However these steps are old and well known and would have been obvious to anyone of ordinary skill as a way to review a potential business venture and then decide whether to enter into an agreement. Any company that receives an RFP would study the specifics related to the proposal and then determine whether it is in the business interest to follow through. This is standard business practice.

**Re Claim 5:** Anonymous in view of McLoughlin discloses the claimed method but does not explicitly disclose the step of requesting additional information about the RFP. However this step is old and well known and would have been obvious to anyone of ordinary skill at the time of invention so that a potential vendor can receive more specific information that will assist the business in the decision to make an offer. In allowing for the further exchange of information between the entity and the financial institution, both parties can be sure that they are on the same page, and erroneous proposals are not issued as a result of a miscommunication in the original RFP.

**Re Claim 6:** Anonymous in view of McLoughlin discloses the claimed method but do not explicitly disclose wherein electronically notifying the entity of the result of the review by the financial institution further comprises the steps of:

- Assembling an offer for the financial product by the financial institution in a format that facilitates review by the entity; and
- Presenting the formatted offer to the entity

However these steps were old and well known in the art at the time of invention and would have been obvious to anyone of ordinary skill. Once the financial institution had made the decision to make an offer to the entity, the next stage is to submit a proposal that would maximize the chance of landing the contract. In providing the entity with an appropriately formatted offer, the financial institution will place itself in a more favorable position, as the entity will not need to do any further processing in order to evaluate the proposal.

**Re Claim 7:** Anonymous in view of McLoughlin discloses the claimed method and McLoughlin further discloses wherein the financial product being selected from the group consisting of investment products, trustee products, financing products, advisory products, depository products, employee retirement products, advisory products and audit products (see abstract; "limited-obligation bonds").

**Re Claim 8:** Anonymous discloses a method for an entity, the entity being a governmental or business entity, to procure a product from an institution comprising the steps of:

- Posting a request for a proposal (RFP) for the product of the entity to a website the RFP having been authorized by the entity (Page 2, 3<sup>rd</sup> full paragraph)
- Electronically notifying the institution that the RFP has been posted (Page 2, 4<sup>th</sup> full paragraph)
- Reviewing the RFP by the institution (Page 2, 4<sup>th</sup> and 6<sup>th</sup> paragraphs; the step of bidding implies that the RFP has been reviewed)

- Electronically notifying the entity of a result of the review by the institution  
(page 2, 4<sup>th</sup> full paragraph)

Anonymous does not explicitly disclose wherein the product is a financial product consisting of investment products, trustee products, financing products, advisory products, depository products, employee retirement products, advisory products and audit products, from and institution; and wherein the institution is a financial institution.

Anonymous further does not disclose wherein the posting further comprises the steps of profiling the entity by obtaining information about the entity that may be utilized by the institution's decision to offer the financial product to the entity, providing a deal sheet, deal sheet outlining the entity's need for the financial product and authorizing the posting of the RFP by an official of the entity.

McLoughlin discloses that governments have, for some time, issued a request for proposal as a means of selecting an underwriter to finance bonds intended for public improvements (abstract). It would have been obvious to anyone of ordinary skill at the time of invention to include the teachings of McLoughlin to the disclosure of Anonymous, as a means for a government entity to solicit a specific type of product or service from a specific type of vendor. While Anonymous does not explicitly disclose the products and/or services from which each government entity might solicit a vendor, McLoughlin details that a request for a financial product from a financial institution, via a RFP, is old and well known. Utilizing the Anonymous method of online dissemination of the financial product RFP would therefore reach a greater audience and potentially lead to a better contract for the government entity.



McLoughlin further discloses

- Profiling the entity by obtaining information about the entity that may be utilized by the financial institution in making the financial institution's decision to offer the financial product to the entity (See abstract; "The RFP should describe the purpose for which the bonds will be issued, the source or sources of revenues expected to be pledged to bond security, the anticipated size and term of the issue...").
- Providing a deal sheet, the deal sheet outlining the entity's need for the financial product (See abstract; "The RFP should describe the purpose for which the bonds will be issued").

While the references do not explicitly disclose the step of authorizing the posting of the RFP by an official of the entity, this step is old and well known in the art and would have been obvious to anyone of ordinary skill to prevent the fraudulent and or mistaken posting of potential contracts to the system. In requiring an authorization step by an official the systems integrity can be maintained all parties can be assured a level of security in the process.

The references also do not explicitly disclose wherein the reviewing the RFP by the financial institution further comprises the steps of:

- Retrieving the RFP from the website
- Studying the RFP; and
- Deciding whether to offer the financial product to the entity based upon the study

However these steps are old and well known and would have been obvious to anyone of ordinary skill as a way to review a potential business venture and then decide whether to enter into an agreement. Any company that receives an RFP would study the specifics related to the proposal and then determine whether it is in the business interest to follow through. This is standard business practice.

Finally the references do not explicitly disclose wherein electronically notifying the entity of the result of the review by the financial institution further comprises the steps of:

- Assembling an offer for the financial product by the financial institution in a format that facilitates review by the entity; and
- Presenting the formatted offer to the entity

However, again, these steps were old and well known in the art at the time of invention and would have been obvious to anyone of ordinary skill. Once the financial institution had made the decision to make an offer to the entity, the next stage is to submit a proposal that would maximize the chance of landing the contract. In providing the entity with an appropriately formatted offer, the financial institution will place itself in a more favorable position, as the entity will not need to do any further processing in order to evaluate the proposal.

**Re Claim 9:** Anonymous discloses a method for a governmental entity to procure a product from an institution comprising the steps of:

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- Posting a government entity's request for proposal for the product of the entity to a website, the RFP having been authorized by the governmental entity (Page 2, 3<sup>rd</sup> full paragraph)
- Electronically notifying the institution that the RFP has been posted (Page 2, 4<sup>th</sup> full paragraph)
- Reviewing the RFP by the institution (Page 2, 4<sup>th</sup> and 6<sup>th</sup> paragraphs; the step of bidding implies that the RFP has been reviewed)
- Electronically notifying the governmental entity of a result of the review by the institution (page 2, 4<sup>th</sup> full paragraph)

Anonymous does not explicitly disclose wherein the product is a financial product and the institution is a financial institution. McLoughlin discloses that governments have, for some time, issued a request for proposal as a means of selecting an underwriter to finance bonds intended for public improvements (abstract). It would have been obvious to anyone of ordinary skill at the time of invention to include the teachings of McLoughlin to the disclosure of Anonymous, as a means for a government entity to solicit a specific type of product or service from a specific type of vendor. While Anonymous does not explicitly disclose the products and/or services from which each government entity might solicit a vendor, McLoughlin details that a request for a financial product from a financial institution, via a RFP, is old and well known. Utilizing the Anonymous method of online dissemination of the financial product RFP would therefore reach a greater audience and potentially lead to a better contract for the government entity.

**Re Claims 10-16:** For the sake of brevity, these claims essentially contain the same limitations as previously rejected claims 2-8 respectively and are therefore rejected using the same art and rationale. The only difference is that the "entity" is further defined as a "governmental entity." Both Anonymous and McLoughlin define a governmental entity and therefore the rejections for claims 2-8 can be similarly be applied to claims 10-16.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Walker et al (5,794,207) discloses a method and apparatus designed to facilitate buyer-driven conditional purchase offers. Cites that governments typically use RFP's when searching for suppliers for products and services (Column 2, lines 55-67)

Aycock et al (5,765,138) discloses an apparatus and method for providing interactive evaluation of potential vendors. Cites government agencies (Column 1 lines 16-21, as well as the vendor qualification process involving RFPs or RFQs (Column 1, lines 45-56).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Harbeck whose telephone number is 571-272-8123. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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